



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Am

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,923	02/23/2004	Paul Krzyzanowski	2100.0030004	7530

26111 7590 06/28/2005

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

VON BUHR, MARIA N

ART UNIT	PAPER NUMBER
----------	--------------

2125

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,923

Applicant(s)

KRZYZANOWSKI ET AL.

Examiner

Maria N. Von Buhr

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004 & 15 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02232004&06152004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This application is a continuation-in-part of U.S. Application Serial No. 10/382,897 (now U.S. Patent No. 6,792,323), which is itself a continuation-in-part of U.S. Application Serial No. 10/180,500 and is, therefore, accorded the benefit of the earlier filing dates of 07 March 2003 and 27 June 2002, only for that subject matter which was originally presented in these parent applications, respectively. Any previously presented rejections or objections which are not expressly repeated in this Office action are hereby withdrawn.

2. Claims 1-20 are pending in this application.

3. Applicant's claim for domestic priority under 35 U.S.C. §119(e) is acknowledged.

4. Examiner acknowledges receipt of Applicant's information disclosure statements, received 23 February 2004 and 15 June 2004, with accompanying reference copies. These submissions are in compliance with the provisions of 37 CFR §1.97. Accordingly, they have been taken into consideration for this Office action.

5. Examiner acknowledges receipt of Applicant's formal drawings. These drawings are acceptable.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by Applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by Applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by Applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-20 are rejected under 35 U.S.C. §102(a) and (e) as being clearly anticipated by Thorsteinsson et al. (U.S. Patent Application Publication No. 2003/0105854; newly cited), which disclose a "central portal coordinates and controls devices at client sites based on, for example, predetermined times, or requests by users or service providers. The central portal includes one or more server computers that receive an event associated with a client site. The central portal identifies the client site from the received event and retrieves a record or other data associated with a client site. The central portal provides a command sequence based on the received event and the retrieved record, and provides, over a

network, an executable command sequence to a device residing at the client site to control the device at the client site. The client site can include both private residences, commercial buildings, vehicles (cars, boats, etc.), etc. The central portal resolves any conflicts and performs any necessary data transformations" (abstract).

As per claim 1, 9, 13, 14 and 17, Thorsteinsson et al. teach detecting a "commencement parameter," "accessing a sequence of component-specific commands" and "executing each component-specific command from said sequence ... at said corresponding system component," including having a distributed controller environment (see at least, Figs. 1 and 8-11, with associated text).

As per claims 2, 10 and 18, Thorsteinsson et al. teach a specific time/date as being a "commencement parameter" (see at least, Fig. 8, with associated text).

As per claims 3, 11 and 19, Thorsteinsson et al. teach an operating state as being a "commencement parameter" (see at least, Fig. 9, with associated text).

As per claims 4-6, 12, 15 and 20, Thorsteinsson et al. teach grouping of devices by determined "regions" (see at least, Fig. 11, with associated text).

As per claim 7, Thorsteinsson et al. teach authorizing access (see at least, Fig. 14, with associated text).

As per claim 8, Thorsteinsson et al. teach wireless communication (see at least, paragraph 0007).

As per claim 16, Thorsteinsson et al. necessarily provides for tracking of moving aspects of the system, since Thorsteinsson et al. teach incorporation of mobile devices in cars/boats (see at least, Fig. 1, with associated text; paragraphs 0032).

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. Applicant is advised to carefully review the cited art, as evidence of the state of the art, in preparation for responding to this Office action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria N. Von Buhr whose telephone number is 571-272-3755. The examiner can normally be reached on M-F (9am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Maria N. Von Buhr
Primary Patent Examiner
Art Unit 2125

MNVB
6/23/05